

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN FRATUS,

Plaintiff,

v.

DAYSON, et al.,

Defendants.

No. 2:20-cv-0354 TLN DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges that he suffered side effects from psychiatric medication and was denied medical treatment.

On March 17, 2021, the undersigned ordered service of the complaint on defendants Dayson, Houston, Vallar, Siegel, Rodgers, Hurley, and Lozano. (ECF No. 22.) Service was returned executed on defendants Hurley and Lozano (ECF No. 26), but unexecuted as to Dayson, Houston, Vallar, Siegel, and Rodgers (ECF No. 25). Plaintiff was instructed to provide additional information so that these defendants could be served. (ECF No. 29.) Plaintiff sought and received extension of time to provide the information. Plaintiff submitted the necessary materials to initiate service on defendants Dayson, Houston, and Vallar. (ECF No. 40.) However, he did not include materials necessary to initiate service as to defendants Siegel and Rodgers.

By order dated December 7, 2021, plaintiff was instructed to provide service documents for defendants Siegel and Rodgers within thirty days or indicate that he did not wish to serve


1 these defendants. (ECF No. 50.) Those thirty days have passed, and plaintiff has not filed service  
2 documents, state that he does not wish to serve these defendants, sought additional time to do so,  
3 or otherwise responded to the court's order. Plaintiff was previously advised that failure to  
4 comply with the court's order would result in a recommendation that these defendants be  
5 dismissed. (ECF No. 42.) Because plaintiff has not responded to the court's order, it will  
6 recommend that defendants Siegel and Rodgers be dismissed from this action.

7 For the reasons set forth above, IT IS HEREBY RECOMMENDED that defendants Siegel  
8 and Rodgers be dismissed from this action.

9 These findings and recommendations are submitted to the United States District Judge  
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days  
11 after being served with these findings and recommendations, any party may file written  
12 objections with the court and serve a copy on all parties. Such a document should be captioned  
13 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the  
14 objections shall be filed and served within fourteen days after service of the objections. The  
15 parties are advised that failure to file objections within the specified time may waive the right to  
16 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

17 Dated: January 24, 2022

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DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE